

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

V.

JOSE PAZ GARCIA,

Defendant.

§
§
§
§
§
§

No. 3:95-CR-264-M (01)

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. An objection was filed by Defendant. The District Court reviewed *de novo* those portions of the proposed Findings, Conclusions, and Recommendation to which objection was made, and reviewed the remaining proposed Findings, Conclusions, and Recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

To the extent that the Motion to Reopen [Dkt. No. 1007] is substantive, the Court construes it is an unauthorized successive 28 U.S.C. § 2255 motion to vacate and therefore it is DENIED without prejudice to Defendant's right to seek authorization from the United States Court of Appeals for the Fifth Circuit to file such a motion and, to the extent that the motion is truly one under Federal Rule of Civil Procedure 60(b), the Court DENIES the motion.

The Court further DIRECTS the Clerk of the Court to open for statistical

purposes a new Section 2255 case (nature of suit 510 directly assigned, per Special Order 3-250, to Chief Judge Barbara M. G. Lynn and United States Magistrate Judge David L. Horan) and to close the same on the basis of this order.

SO ORDERED this 3rd day of March, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE